

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed Emergency

Pursuant to the authority of 2014 Iowa Acts, Senate File 2349, division VIII, the Homeland Security and Emergency Management Department hereby adopts new Chapter 15, “Mass Notification and Emergency Messaging System,” Iowa Administrative Code.

New Chapter 15 implements 2014 Iowa Acts, Senate File 2349, division VIII, which creates a statewide mass notification and emergency messaging system. This system is to be used by state and local authorities to provide timely notification to the public when an emergency situation is happening that poses a threat to life and property and requires the public to take immediate action. This chapter specifies how state and local agencies shall access and utilize the system. This chapter includes how application is made to access and utilize the system, minimum operational plans and procedures, and how to access personal information that is provided by the public.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the immediate deployment of the mass notification and emergency messaging system by state and local authorities conveys a public safety benefit to Iowans.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its October 14, 2014, meeting reviewed the Department’s findings and the rules and approved the Emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department also finds that the normal effective date of these rules, 35 days after publication, should be waived and the rules made effective October 15, 2014, because the immediate deployment of the mass notification and emergency messaging system by state and local authorities conveys a public safety benefit to Iowans.

After analysis and review, the Department finds that it is possible this rule making will have a positive fiscal impact in multiple counties within Iowa. Counties will not be charged a fee to access the system. Counties that presently incur an expense to access a system of their choice can eliminate this expense from their budgets by using the statewide system.

The Homeland Security and Emergency Management Department adopted these rules on October 14, 2014.

These rules are also published herein under Notice of Intended Action as **ARC 1713C** to allow public comment. The emergency filing allows the Department to implement the new provisions of the law.

After analysis and review, the Department does not anticipate any impact to jobs within Iowa.

These rules are intended to implement 2014 Iowa Acts, Senate File 2349, division VIII.

These rules became effective October 15, 2014.

The following amendment is adopted.

Adopt the following **new** 605—Chapter 15:

CHAPTER 15

MASS NOTIFICATION AND EMERGENCY MESSAGING SYSTEM

605—15.1(29C) Purpose. In accordance with 2014 Iowa Acts, Senate File 2349, division VIII, the department of homeland security and emergency management establishes the policies and procedures for the creation and administration of a statewide mass notification and emergency messaging system.

605—15.2(29C) Definitions. For the purpose of this chapter, the following definitions apply:

“*Commission*” means a local emergency management commission or joint emergency management commission.

“*Department*” means the department of homeland security and emergency management.

“*Director*” means the director of the department of homeland security and emergency management.

“Mass notification and emergency messaging system” or “system” means a system operated by the department which disseminates imminent emergency and public safety-related information.

“State agency” means a principal central department enumerated in Iowa Code section 7E.5.

605—15.3(29C) Application for access.

15.3(1) A state agency or commission may apply to the department for access to the system for use by state, county and local officials. The application is available on the department’s Web site at www.homelandsecurity.iowa.gov. The application shall contain the following:

- a. Name of state agency or commission submitting the application.
- b. Primary point of contact for implementation and administration of the system at the applicant’s level.
- c. Signature of the state agency director or chair of the commission.
- d. Operational plan and procedures created in accordance with rule 605—15.4(29C).

15.3(2) All applications shall be reviewed by the director or designated staff to ensure that the application meets all of the requirements established in this chapter. If the application does not meet all of the requirements, the state agency or commission shall be notified of such shortfalls and possible remedies.

15.3(3) If all of the requirements have been met and the director chooses to grant access to the system, the state agency or commission shall be notified of acceptance.

15.3(4) If the director chooses not to grant the state agency or commission access to the system, the director shall provide notice to the state agency or commission and provide information regarding the decision.

15.3(5) After access to the system has been granted, the director may revoke or suspend such access if the director determines that the state agency or commission is not using the system in accordance with 2014 Iowa Acts, Senate File 2349, division VIII, and this chapter.

605—15.4(29C) Operational plan and procedures.

15.4(1) Each state agency or commission that submits an application to access the system shall develop and maintain an operational plan and procedures. The operational plan and procedures shall contain the following:

- a. Introductory paragraphs that provide a summary of, the purpose of, and the authorities for the operational plan and procedures document.
- b. A description of the system and a listing of the types of imminent emergency alerts and public safety-related information that will be communicated to the public via the system.
- c. The contact information for the individual who will function as the state agency’s or commission’s administrator for the system and who will be the primary contact point for the department and system vendor.
- d. A listing of those positions or individuals that are authorized to initiate emergency alerts and mass notification messages via the system. These individuals shall complete any federally specified training needed to access any federal messaging systems that are utilized by the statewide system.
- e. A listing of those positions or individuals that are authorized to conduct system database maintenance.
- f. The detailed process by which emergency alerts or mass notification messages will be developed, reviewed, and authorized for dissemination.
- g. A listing by the commission of any memorandums of understanding completed with neighboring counties for the purpose of allowing cross-border emergency alerts or mass notification messaging when an incident will impact the public outside the incident county within 30 minutes and will cause the public to be endangered if action is not taken by the public. Copies of such agreements shall be included within the operational plan and procedures document.
- h. A glossary of definitions for message types that can be issued by the system.

15.4(2) The state agency or commission shall complete a memorandum of agreement with the Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System

(IPAWS) program management office for the purpose of accessing IPAWS. A copy of the approved agreement shall be included within the operational plan and procedures document.

15.4(3) The state agency or commission shall complete an All Hazards Emergency Message Collection System (HazCollect) registration with the National Weather Service. A copy of the approved registration shall be included within the operational plan and procedures document.

15.4(4) The state agency or commission shall complete a user agreement with the department. The user agreement shall specify that by accessing the system, users may be exposed to information deemed confidential under Iowa Code chapter 22. A copy of the user agreement shall be included within the operational plan and procedures document.

15.4(5) The department has developed an operational plan and procedures template to be used by all state agencies and commissions making application to access the system. All operational plans and procedures developed by the state agencies or commissions and submitted for approval shall substantially conform to this template. This template is available on the department's Web site at www.homelandsecurity.iowa.gov.

These rules are intended to implement 2014 Iowa Acts, Senate File 2349, division VIII.

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